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AUG 12 2004

**OFFICE OF PETITIONS**

MS PETITION  
PATENT  
0941-0784P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: KING, Wei-Shang Conf.: 4930  
Appl. No.: 10/024,274 Group: 2812  
Filed: December 17, 2001 Examiner: UNASSIGNED  
For: SEMICONDUCTOR STRUCTURE CONTAINING  
FIELD OXIDE AND METHOD FOR FABRICATING  
THE SAME

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

**MS PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 9, 2004

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

Note: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

08/10/2004 SZEWDIE1 00000055 10024274

01 FC:1453

1330.00 DP

1. Petition fee

- ☐ Small entity - fee \$665.00 (37 C.F.R. § 1.17(m)).  
Applicant claims small entity status. See 37 C.F.R.  
§ 1.27.
- ☒ Other than small entity - fee \$1,330.00 (37 C.F.R.  
§ 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action  
in the form of Reply to Notice to File Corrected  
Application Papers (identify type of reply):

- ☐ has been filed previously on .
- ☒ is enclosed herewith.

B. The issue fee of \$0.00

- ☐ has been paid previously on .
- ☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or  
after June 8, 1995, no terminal disclaimer is  
required.
- ☐ A terminal disclaimer (and disclaimer fee (37 C.F.R.  
§ 1.20(d)) of \$55.00 for a small entity or \$110.00 for  
other than a small entity) disclaiming the required  
period of time is enclosed herewith.

4. Statement: The entire delay in filing the required reply  
from the due date for the required reply until the filing  
of a grantable petition under 37 C.F.R. § 1.137(b) was  
unintentional.

- ☐ No fee is required.
- ☒ Check(s) in the amount of \$1,330.00 is/are enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Joe McKinney Muncy  
Joe McKinney Muncy, #32,334

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KM/asc  
0941-0784P

- Attachments:
- ☒ Fee Payment
  - ☒ Reply
  - ☐ Terminal Disclaimer Form
  - ☐ Additional sheets containing statements establishing unintentional delay
  - ☒ Other: Affidavit

(Rev. 02/18/2004)